

## AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

### **Listing of Claims:**

- 1) (previously presented) A composition comprising:
  - a) from about 0.001% to about 5 % of a zinc-containing layered material;
  - b) from about 10 % to about 50% of a surfactant including a surfactant with an anionic functional group;
  - c) from about 0.01% to about 5% of a pyrithione or a polyvalent metal salt of a pyrithione;wherein the zinc-containing layered material has a relative zinc lability of greater than about 15% and further wherein the ratio of surfactant to zinc-containing layered material is greater than or equal to 2 to 1.
- 2) (canceled)
- 3) (previously presented) A composition according to Claim 1 wherein the pyrithione or polyvalent metal salt of pyrithione is zinc pyrithione.
- 4) (canceled)
- 5) (canceled)
- 6) (canceled)

- 7) (previously presented) A composition according to Claim 1 wherein the surfactant is selected from the group consisting of anionic, cationic, nonionic, amphoteric or zwitterionic.
- 8) (original) A composition according to Claim 7 wherein the surfactant is anionic.
- 9) (original) A composition according to Claim 1 wherein the pH is greater than about 6.5.
- 10) (original) A composition according to Claim 9 wherein the pH is from about 6.8 to about 9.5
- 11) (original) A composition according to Claim 10 wherein the pH is from about 6.8 to about 8.5.
- 12) (currently amended) A composition according to Claim 1 wherein the zinc containing material has a relative zinc lability of greater than ~~about~~ 20%.
- 13) (currently amended) A composition according to Claim 1 wherein the zinc containing material has a relative zinc lability of greater than ~~about~~ 25%.
- 14) (original) A composition according to Claim 1 wherein the zinc-containing layered material is selected from the group consisting of basic zinc carbonate, zinc carbonate hydroxide, hydrozincite, zinc copper carbonate hydroxide, aurichalcite, copper zinc carbonate hydroxide, rosasite, phyllosilicate containing zinc ions, layered double hydroxide, hydroxy double salts and mixtures thereof.

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15) (original) A composition according to Claim 14 wherein the zinc-containing layered material is selected from the group consisting of zinc carbonate hydroxide, hydrozincite, basic zinc carbonate and mixtures thereof.

16) (original) A composition according to Claim 15 wherein the zinc-containing layered material is hydrozincite or basic zinc carbonate.

17) (original) A composition according to Claim 16 wherein the zinc-containing layered material is basic zinc carbonate.

18) (original) A composition according to Claim 1 wherein the composition further comprises a cationic deposition polymer.

19) (original) A composition according to Claim 1 wherein the composition further comprises a conditioning agent.

20) (original) A composition according to Claim 1 wherein the composition further comprises a suspending agent.

21) (original) A composition according to Claim 20 wherein the suspending agent is selected from the group consisting of crystalline suspending agent, polymeric suspending agent or mixtures thereof.

22) (original) A composition according to Claim 21 wherein the suspending agent is a crystalline suspending agent.

23) (original) A method of treating microbial infections comprising the use of the composition of Claim 1.

24) (original) A method of treating fungal infections comprising the use of the composition of Claim 1.

25) (original) A method of treating dandruff comprising the use of the composition of Claim 1.

26) (New) A composition comprising:

- a) from about 0.001% to about 5 % of a zinc-containing layered material wherein the zinc-containing layered material is basic zinc carbonate;
- b) from about 10 % to about 50% of a surfactant including a surfactant with an anionic functional group;
- c) from about 0.01% to about 5% of a pyrithione or a polyvalent metal salt of a pyrithione wherein the pyrithione or polyvalent metal salt of pyrithione is zinc pyrithione;

wherein the zinc-containing layered material has a relative zinc lability of greater than about 15% and further wherein the ratio of surfactant to zinc-containing layered material is greater than or equal to 2 to 1.

27) (New) A composition comprising:

- a) from about 0.1% to about 5 % of a zinc-containing layered material wherein the zinc-containing layered material is basic zinc carbonate;
- b) from about 10 % to about 50% of a surfactant including a surfactant with an anionic functional group;
- c) from about 0.1% to about 2% of a pyrithione or a polyvalent metal salt of a pyrithione wherein the pyrithione or polyvalent metal salt of pyrithione is zinc pyrithione;

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wherein the zinc-containing layered material has a relative zinc lability of greater than about 15% and further wherein the ratio of surfactant to zinc-containing layered material is greater than or equal to 2 to 1.